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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,548	01/30/2001	Andrew Ahmad	Sprint 1538 (4000-01800)	9236
28003	7590	09/09/2004	EXAMINER	
SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			SIDDIQI, MOHAMMAD A	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,548

Applicant(s)

AHMAD ET AL.

Examiner

Mohammad A Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Claims 1-13 are presented for examination.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-5, and 7-19 of copending Application No. 09/772545. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the limitations in claims 1-13 in the instant application are either similar or an obvious combinations of claims 1, 3-5,

and 7-19 in "09/772545". Both of the instant applications and "09/772545" are devoted to creating transactional policy by translating deployment descriptor file and interceptors residing on the system remote from the client checking transactional policy.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey et al. (6,567,818) (hereinafter Frey) in view of Component Technologies for the Middle Tier: CCM, EJB, COM+, OOPSLA 200, by Michael Stal (hereinafter Stal).

6. As per independent claim 1, Frey discloses a method for setting transactional behavior for a CORBA method, the method comprising:

a system remote from a client creating a transaction policy (col 13, lines 14-15) at installation time (when the container is defined, col 11, lines 1-4 and col 10 lines, 8-21);

the client calling a CORBA method (fig 1, col 8, lines 25-31), wherein the client resides on a system local to the client (fig 1, col 8, lines 25-31), wherein the CORBA method resides on the system remote from the client (fig 1, col 8, lines 25-58) and wherein the call comprises an IIOP (col 23, lines 40-50) message wherein the IIOP message (col 23, lines 40-50) includes a method name for the CORBA method called (fig 1, col 8, lines 25-58);

an interceptor residing (col 8, lines 25-30) on the system remote from the client intercepting (col 8, lines 25-30) the IIOP message (col 23, lines 40-50);

the interceptor residing on the system (col 8, lines 25-31) remote from the client reading the method (col 8, lines 25-55) name from the IIOP message (col 23, lines 40-50);

the remote access proxy object residing on the system (col 8, lines 25-31) remote from the client checking the transaction policy (col 2, lines 40-45) for the system remote from the client with respect to the method name (col 13, lines 13-20);

the remote access proxy object intercepts residing (container, col 8, lines 25-31) on the system remote from the client either invoking the called CORBA method directly (col 8, lines 25-31) or first completing a control object interpositioning process (col 10, lines 5-41, Interpositioning is the library interpositioning implementation of an interceptor can examine and modify a process s behavior at the granularity of library routines) and then invoking the called CORBA method (fig 1, col 21, lines 36-62, col 8, lines 25-58) where the choice is defined by the results of the check of the transaction policy with respect to the method name (col 25, lines 31-67, col 26, lines 1-10).

Frey does not explicitly disclose interceptor, translating deployment descriptor file. However, Frey discloses a remote access proxy object residing on the system intercepts the message, which ~~is~~ coupled with client application and ORB. ORB builds the remote access proxy object and passes the object reference to the container. If the home container is active or after it has been activated, then a further determination is made as to whether the container is within the scope of the associated policy. Appropriate container is accomplished by querying Policy information which is stored in the hash tables.

In addition to, interceptor and translating deployment descriptor file are very well known in the art. The deployment descriptor directs a

deployment tool to deploy a module or application with specific configuration requirements that a Deployer must resolve. For example, Stal discloses interceptor (page 41-44), translating deployment descriptor file (page 91-92). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Frey and Stal because Stal's use of interceptor and deployment descriptor would provide Frey's system a robust and flexible mechanism to manage transactional behavior of the objects by using interceptors to map the desired transactional policy.

7. As per independent claim 2, the claim is rejected for similar reasons as in claim 1, above. In addition, Frey discloses the object representing the transaction context (fig 15, col 18, lines 52—59) and an OTS spanning (fig 9, col 14, lines 1-24) both the system local to the client and the system remote from the client and then invoking CORBA (fig 1, 9, 15) method where the choice is defined by the result of the check of the transaction policy with respect to the method name (col 19, lines 7-35).

8. As per claim 3, Frey discloses the transaction policy created on the system remote from the client is created during deployment of the system remote from the client (fig 1, col 2, lines 40-45, col 11, lines 1-11).

9. As per claim 4, the claim is rejected for similar reasons as in claim 1, above. In addition, Frey discloses the transaction policy created on the system remote from the client is created (fig 1, col 2, lines 40-45, col 8, lines 25-31) after receipt of the IIOP message (col 23, lines 40-50) to facilitate run-time comparison of the method name with the (col 11, lines 1-24).

10. As per independent claim 5, the claim is rejected for similar reasons as in claim 1, above. In addition, Frey discloses

modifying the change the transactional behavior for the CORBA method on the server (fig 1, col 16, lines 45-67, col 21, lines 36-62, col 8, lines 25-58);

redeploying the server (col 16, lines 1-4), which implements a modified transaction policy (col 16, lines 45-67).

11. As per claim 6, the claim is rejected for similar reasons as in claim 1, above. In addition, Frey discloses wherein the transaction policy (col 2, lines 40-45) translated from the container (col 21, lines 36-62) file define transactional behavior for more than one CORBA method resident on the server (col 21, lines 36-62, col 8, lines 25-58).

12. As per claim 7, the claim is rejected for similar reasons as in claim 1, above. In addition, Frey discloses the container and the transaction policy translated (col 21, lines 46-62) from file define transactional behavior for all CORBA methods resident on the server.

13. As per claim 8, the claim is rejected for similar reasons as in claim 1, above. In addition, Frey discloses the container and wherein the transaction policy is a table translated from the text file (col 7, lines 35-46).

14. As per claim 9, the claim is rejected for similar reasons as in claim 1, above. In addition, Frey discloses wherein container is stored on the server (col 7, lines 35-46).

15. As per claim 10, the claim is rejected for similar reasons as in claim 1, above. In addition, Frey teaches the container stored in a location remote from the server (col 7, lines 35-46).

16. As per claim 11, the claim is rejected for similar reasons as in claim 1, above. In addition, Frey teaches the containers translated (col 7, lines 35-46) by a plurality of servers (col 4, lines 56-60) to create the transaction policies (col 2, lines 40-45) for the plurality of servers (col 4, lines 56-60).

17. As per claim 12, the claim is rejected for similar reasons as in claim 1, above.

18. As per claim 13, the claim is rejected for similar reasons as in claim 1, above. In addition, Frey discloses the remote access proxy object intercepts (container, col 8, lines 25-31) residing on the system remote from the client completing a control object (col 8, lines 25-31) interpositioning (col 10, lines 5-41, Interpositioning is the library interpositioning implementation of an interceptor can examine and modify a process s behavior at the granularity of library routines) process between the object representing the transaction context and an OTS spanning (fig 9, col 14, lines 1-24) both the system local to the client and the system remote from the client and then invoking the called CORBA method (col 25, lines 31-67, col 26, lines 1-10).

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,070,197

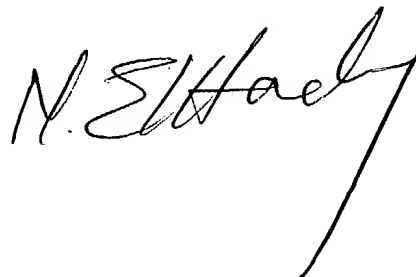
U.S. Patent 6,671,686

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS

A handwritten signature in black ink, appearing to read "N. S. Haech", with a long, sweeping diagonal stroke extending from the bottom right of the signature.